

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, claims 30-37 have been canceled in favor of new claims 38-41. Claims 1-29 were previously canceled. Therefore, claims 38-41 are now pending. Support for the new claims 38-41 can be found at least at: Fig. 4; Fig. 22; column 14, lines 32-63; Fig. 6; column 18, lines 40-42; column 21, lines 6-26; and Fig. 21.

Claims 30-37 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of co-pending application 09/686,466. This rejection is traversed and is inapplicable to new claims 38-41 for the following reasons.

The new claims 38-41 in the present application have an outstanding feature that "distance in the vector space diagram between any closest two signal points of any adjacent two signal point groups is $2\delta \times n$, where n is a shift value which is more than 1 and 2δ represents a distance in the I axis or Q axis directions between any adjacent two signal points within any of the signal point groups," which is not claimed in co-pending application 09/686,466. Rather, co-pending application 09/686,466 has the outstanding feature "to transmit an information for determining at least the first set of thresholds."

In view of the above amendments and remarks, it is submitted that claims 38-41 are allowable over the prior art of record and the related co-pending applications, and that the present application is accordingly in condition for allowance. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Mitsuaki OSHIMA et al.

By: 

Jeffrey R. Filipek

Registration No. 41,471

Attorney for Patentees

JRF/fs
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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